

AUBURN NEWS

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Arrest pending in police probe

MITCH SNEED
STAFF WRITER

An Auburn Police Division officer facing an indictment on charges he received payoffs to have charges dropped or reduced is expected to turn himself in to federal authorities today.

The Opelika-Auburn News reported Wednesday that Officer Tyrone White

was the subject of a three-month FBI investigation and that the federal indictment was pending.

Julian McPhillips, the Montgomery-based attorney representing White, said he received confirmation Wednesday that an eight-count indictment had been handed down against his client. The charges fall into the category of public corruption, said McPhillips, who insists

that White was innocent.

"We did have confirmation today that an eight-count indictment was handed down and we are working out plans that will have him turning himself in," McPhillips said. "He will be released on bond and we think in time, that the courts will clear him of these charges."

"Mr. White categorically denies any wrongdoing and these charges come

from information provided to investigators by the Auburn Police Division.

"There are some good people there, but there are some who have moved to single out Mr. White in this instance. As we fight this, I think those facts will come out."

McPhillips said that White, who is

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black, could have been targeted because he spoke out about racial discriminatory practices inside the department.

Auburn officials said Wednesday they had not seen the indictment and have had no discussions about the charges that may be outlined in it.

City Manager David Watkins confirmed Wednesday that White remains a city employee, assigned to administrative leave since the onset of the investigation.

White continues to draw his full

salary, pending further action, Watkins said.

Auburn Public Safety Director Bill James would not comment on the investigation, or the charges facing White, citing the city's policy not to discuss personnel matters.

"We have policies and procedures in place and we will work through that process," James said. "At such time when and if further disciplinary proceedings are appropriate, we will move forward at that time."

The Federal Bureau of Investigation launched the probe into possible cor-

ruption inside the Auburn Police Division more than three months ago, calling more than 30 individuals in to testify. Throughout the process, James said the city cooperated fully with the investigation.

Officials in the United States Attorney's office in Montgomery said that all indictments were sealed until a time when the person named in the document was arrested. When an arrest is made, the document then can be made public.

White has 16 years of service with Auburn police and has been honored by

the Auburn City Council on three separate occasions, according to Opelika-Auburn News records.

"Officer White has never received money in exchange for any of his actions by any individual," McPhillips said. "He will fight these charges until the end and we feel confident that in time his name will be cleared."

Late last month the Auburn Police Division also launched an internal affairs investigation into allegations that an officer choked and injured a suspect during his arrest. That investigation is ongoing, according to James.

PROBE: Arrest pending in police probe

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Auburn cop faces indictment

WATCH SNEED
STAFF WRITER

A veteran officer with the Auburn Police Division is facing a multiple-count federal indictment on accusations that he received payoffs to have charges reduced or dropped.

Details of the indictment against Officer Tyronne White aren't scheduled to be released until sometime today. But

White's attorney, Julian McPhillips, said Tuesday that a three-month FBI investigation into alleged police wrongdoing singled out his client.

"They have been questioning whether Mr. White received money for working to get charges in certain cases reduced or dropped," McPhillips said.

"He vehemently denies all the charges against him."

Mr. White has been singled out and

made a scapegoat in this federal investigation," McPhillips said. "He has often in court worked to have tickets reduced or modified when circumstances dictate or as part of a plea bargain. It's nothing that no fewer than 20 other Auburn police officers have done on a routine basis. That process is something that happens every day in courtrooms in every part of this state and the nation."

"But never has Tyronne White received any monetary reward or payoff for his actions and to suggest otherwise is simply not true."

White has been on administrative leave since the start of the FBI probe, which is standard procedure during any type investigation, according to Auburn City Manager David Watkins.

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"I was informed by my assistant today that an indictment had been presented," Watkins said.

"When we receive the indictment, the city will then evaluate the charges and take appropriate steps to deal with the employee in a manner that is consistent with city policy. This has been a lengthy investigation, one that was very thorough. Now that the investigation is complete, we will move to make sure that the reputation of this department cannot be called into question."

Auburn Police Division Chief Frank deGraffenried

was out of town attending a law enforcement conference Tuesday and unavailable for comment, officials said.

White has 16 years of service with Auburn police and has been honored by the Auburn City Council on three separate occasions, according to Opelika-Auburn News records.

McPhillips said he received word last week that an indictment would likely come this week. He said he is confident White will be cleared of any wrongdoing as the case proceeds through the courts.

The Montgomery attorney said he has interviewed several witnesses who testified in the

FBI probe of White, and has six separate individuals who said that they had never seen evidence that White received payment of any kind.

"Officer White has never received money in exchange for any of his actions by any individual," McPhillips said. "He will fight these charges until the end and we feel confident that in time his name will be cleared."

Later last month the Auburn Police Division also launched an internal affairs investigation into allegations that an officer choked and injured a suspect during his arrest. That investigation is ongoing.

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A MEDIA GENERAL NEWSPAPER

Officer: Auburn division 'racist'

MITCH SNEED
STAFF WRITER

An Auburn Police Division officer awaiting federal charges of alleged ticket fixing said the case against him is in retaliation for speaking up against racial bias inside the department and filed a federal complaint Thursday citing specific examples of racism.

An eight-count federal indictment was handed down Tuesday against former Marine and 16-year department veteran Tyrone White, accusing him of taking payments to make charges against individuals go away.

White had planned to turn himself in, but as of Thursday no warrant had been issued for his arrest, said his attorney, Julian McPhillips.

However, McPhillips filed an equal employment opportunity commission (EEOC) complaint Thursday claiming that White is being singled out because he is black and has been outspoken about racial prejudice inside the Auburn Police Division.

"Mr. White denies any wrongdoing and will fight these charges until the end," McPhillips said. "He has worked through proper channels to have charges reduced in exchange for a guilty plea, but never has he taken any payment for that process which is something that is done by officers in every department every day."

Added McPhillips, "He feels like this investigation and the pending charges are the result of discrimination that exists inside the department. That's the reason we have filed a complaint and want to get on record stating the grounds that we feel led to this action."

Auburn Public Safety Director Bill James said claims of discrimination or racial bias in the Auburn Police Division or any other city department won't be tolerated.

"We have a very strict anti-harassment policy in place in our department," James said. "We do not tolerate that kind of activity in any way, shape or form. We have training in place to educate our employees and we have mechanisms in place so that if there is even a hint of any kind of discriminatory practices suspected, a complaint can be filed with the department head or the city manager."

"These complaints will be investigated thoroughly and dealt with judiciously. To my knowledge, (Tyrone White) had not filed any kind of complaint with anyone here at the city."

The complaint was filed late Thursday and city officials haven't had an opportunity to respond to the charges.

Auburn Mayor Bill Ham said that typically complaints are filed soon after incidents take

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OFFICER: Auburn officer calls division 'racist'

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place, not months after the fact.

"I would think that if someone had a problem in any department, that they would come forward at the time of the incident so that it would be investigated," Ham said.

McPhillips said White delayed filing a formal complaint until now because a Caucasian lieutenant and shift supervisor told him and other black officers that making such a complaint would "adversely affect promotion plans."

In his EEOC complaint, White cites 28 different examples of what he considers racist, intimidating or inappropriate behavior within the department. Among White's allegations:

■ Black officers are often subject to race-based jokes and e-mails filled with racial epithets.

■ A knife with Ku Klux Klan markings on it was placed in White's box at work.

■ An officer described as "openly racist" responded to a call involving a local black minister and verbally assaulted the man.

■ Another white officer routinely brags about how many black officers he has run off from the department.

■ Black officers are not given the same opportunities for overtime as Caucasian officers, and when overtime is taken by black officers, they are often verbally abused as "over-time hounds."

■ White said he witnessed a ticket

being fixed for a member of the Auburn University athletic department, an official who often supplied free football tickets to officers.

■ White said that "just about everyone in the Auburn Police department" fixes tickets for certain citizens and he had been instructed to do the same by a captain and a lieutenant in the department. When an officer refuses to fix a ticket, he is often ostracized by other officers.

Arrest warrant pending

In the complaint, White claims he talked with a member of the Auburn City Council about a racially biased atmosphere on the force. But on Thursday, Ham indicated he wasn't aware of a potential problem within any city departments.

"In the eight years that I've been mayor no one has ever come to me with a complaint of this nature," said Ham. "But then again, the mayor isn't the person who would handle those. Those would be handled by the department, the city manager and then go through the process that we have in place."

The Federal Bureau of Investigation launched an investigation more than four months ago into possible corruption inside the Auburn Police Division. More than 30 individuals were called in to testify as a part of the probe. Through out the process, James said the city cooperated fully with the investigation.

Earlier this week, McPhillips confirmed that White is named in the

eight-count indictment. However, officials in the U.S. Attorney's office in Montgomery said that all indictments are sealed until the person named in the document is arrested. When an arrest is made, the document then can be made public.

White will turn himself in to federal authorities as soon as a warrant is issued, McPhillips said, possibly as early as today.

As to the charges of ticket fixing, White said he often worked with individuals as informants and he would help them negotiate minor charges in exchange for information that may lead to arrests in other cases.

White has denied that he ever took any monetary compensation in those kind of situations.

Attorney for Auburn cop challenges jury process

WICH SUED
SAP MUM

The attorney for Tyrone White, the Auburn Police Division officer awaiting trial on federal ticket-fixing charges, has filed a motion challenging the way jurors will be chosen in the case.

Julian McPhillips said it will be tough for his client — an African-American — to get a fair trial because the racial makeup of juries rarely matches the racial makeup of the area.

In one of three motions filed on Friday, McPhillips challenges the "petit" or trial jury system itself for "systematic underrepresentation of black Americans."

In another, McPhillips asks for dismissal of White's eight-count indictment on grounds that there weren't enough blacks on the Montgomery grand jury that heard his case. According to McPhillips, White's jury didn't come close to matching the 53 percent black population of Mont-

"Time after time we have seen in this court that we don't get a jury pool with adequate black representation."

Julian McPhillips
Attorney

Montgomery County

McPhillips also filed a motion requesting inspection and copy of all jury system records.

"Race is going to be a big part of this case," McPhillips said. "Time after time we have seen in this court that we don't get a jury pool with adequate black representation. The jury pool should reflect the population of the area."

"Rarely does that happen in the Middle District of Alabama," said McPhillips. "The black population of those counties is nearly 40 percent. Never do we see a jury pool that is 40 percent

black. We need to know why this continues to happen. That's the purpose of these motions."

White was indicted on eight separate counts of what the legal document terms "extortion," in that White "unlawfully obtained United States currency" by "wrongful use and threat of use of force" in exchange for treating eight different people "favorably in connection with a pending City of Auburn Municipal Court case in violation of Title 18, United States Code 1861 (a)." The names of those who allegedly paid White in return for favorable treatment were not in the indictment, but instead initials were used to identify those making the claims. McPhillips alleges that many of those who testified against White were coerced by officials.

McPhillips has also filed an Equal Employment Opportunity Commission (EEOC) complaint claiming that White is being singled out because he is black and has been outspoken about racial prejudice inside the Auburn Police Division.

Since the matter is in litigation, Auburn officials have refused to comment on the specifics of the charges or the EEOC complaint. No previous complaints have been filed against the police division by employees alleging unfair treatment. Officials have said throughout the process that they cooperated fully with the investigation.

White remains on paid administrative leave pending trial. A pre-trial hearing is set for Nov. 16 in Montgomery.



PRESS RELEASE

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AUBURN POLICE OFFICER INDICTED ON FEDERAL CHARGES

Leura G. Canary, United States Attorney for the Middle District of Alabama, announced that a federal grand jury returned an eight count indictment against Tyrone White, age 41, of Auburn, Alabama. Mr. White is a police officer for the City of Auburn, Alabama.

The indictment charges that Tyrone White, an Auburn police officer, acting under color of official right, unlawfully demanded and accepted money from individuals in exchange for favorable treatment in pending municipal court cases. Mr. White's conduct is charged to violate Title 18, United States Code, Section 1951(a), entitled "Interference with commerce by threats or violence." Mr. White is charged with "wrongful use and threat of use of fear" to unlawfully obtain money from individuals.

If convicted, Mr. White faces a maximum prison sentence of 20 years per count and a fine not to exceed \$250,000. Mr. White is

Members of the public are reminded that the indictment contains only charges. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

ATTACHMENT C

scheduled to be arraigned on October 19, 2005. The trial of Mr. White's case has not yet been set. Mr. White has been assigned to administrative leave since the onset of the FBI's investigation into possible corruption at the Auburn Police Department. In view of the federal indictment against Mr. White, the Auburn Police Department is considering what, if any, further administrative measures should be taken in accordance with city policy.

This case was investigated by the Federal Bureau of Investigation at the request of the Auburn Police Department. The prosecutor handling the case is Assistant United States Attorney Todd A. Brown.

Members of the public are reminded that the indictment contains only charges. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.